

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LOPEZ TORRES, ALVIN GAITAN  
BENITEZ, CHRISTIAN LEMUS CERNA,  
OMAR DEJESUS CASTILLO, DOUGLAS  
DURAN CERRITOS, MANUEL ERNESTO  
PAIZ GUEVARA, and JESUS ALEJANDRO  
CHAVEZ,

Defendants.

Crim. No. 1:14cr306

March 31, 2016

JURY TRIAL

\*\* EXCERPT: TESTIMONY OF LILIANA PORTWINE \*\*

BEFORE: THE HONORABLE GERALD BRUCE LEE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR GOVERNMENT: UNITED STATES ATTORNEY'S OFFICE  
BY: JULIA MARTINEZ, AUSA  
STEPHEN M. CAMPBELL, AUSA  
TOBIAS TOBLER, AUSA

---

OFFICIAL COURT REPORTER:

RENECIA A. SMITH-WILSON, RMR, CRR  
U.S. District Court  
401 Courthouse Square, 5th Floor  
Alexandria, VA 22314  
(703)501-1580

1 APPEARANCES (Continued)

2 FOR DEFENDANT JOSE LOPEZ TORRES

3 BYNUM & JENKINS, PLLC  
4 BY: ROBERT L. JENKINS, JR., ESQ.  
5 THE LEIVA LAW FIRM, PLC  
6 BY: MANUEL E. LEIVA, ESQ.

7 FOR DEFENDANT ALVIN GAITAN BENITEZ

8 LAW OFFICE OF AMY LEIGH AUSTIN  
9 BY: AMY LEIGH AUSTIN, ESQ.  
10 SMITH & ZIMMERMAN, PLLC  
11 BY: JEFFREY D. ZIMMERMAN, ESQ.

12 FOR DEFENDANT CHRISTIAN LEMUS CERNA

13 LAW OFFICE OF CHRISTOPHER AMOLSCH  
14 BY: CHRISTOPHER AMOLSCH, ESQ.  
15 FRANK SALVATO, ESQ.

16 FOR DEFENDANT OMAR DEJESUS CASTILLO

17 FIRSTPOINT LAW GROUP, PC  
18 BY: KATHERINE MARKELL, ESQ.  
19 OLD TOWN ADVOCATES, PC  
20 BY: MEREDITH M. RALLS, ESQ.

21 FOR DEFENDANT DOUGLAS DURAN CERRITOS

22 LAW OFFICE OF J.R. CONTE, PLLC  
23 BY: JOSEPH R. CONTE, ESQ.  
24 LAW OFFICE OF DWIGHT CRAWLEY  
25 BY: DWIGHT E. CRAWLEY, ESQ.

FOR DEFENDANT MANUEL ERNESTO PAIZ GUEVARA

LAW OFFICE OF W. MICHAEL CHICK, JR.  
BY: WILLIAM MICHAEL CHICK, JR., ESQ.

FOR DEFENDANT JESUS ALEJANDRO CHAVEZ

JEROME P. AQUINO, ESQ.  
ELITA C. AMATO, ESQ.

---

INDEX

<u>WITNESS (Government)</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
-----------------------------	---------------	--------------	-----------------	----------------

Liliana Portwine	4	41	---	
------------------	---	----	-----	--

(End of excerpt)

---

PROCEEDINGS  
(Requested Excerpt)

... (Court in session at 4:20 p.m.)

MS. MARTINEZ: Government calls Liliana Portwine.

(Witness sworn.)

THE WITNESS: I do.

THEREUPON, LILIANA PORTWINE, having been duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MS. MARTINEZ:

Q. Good afternoon.

A. Good afternoon.

Q. Could you please state your full name and spell your name for the record.

A. Sure. My name is Liliana Portwine, L-i-l-i-a-n-a, P-o-r-t-w-i-n-e.

Q. Ms. Portwine, where do you work?

A. I work at the FBI.

Q. What do you do at the FBI?

A. I am a contract language monitor.

Q. How long have you been a contract language monitor for the FBI?

A. For six years.

Q. What languages do you speak?

1 A. I speak Spanish and English.

2 Q. How long have you been speaking Spanish?

3 A. For my whole life.

4 Q. Where were you born?

5 A. I was born in Mexico.

6 Q. When did you come to the United States?

7 A. In 19- -- in 1975.

8 Q. How old were you when you came to the United  
9 States?

10 A. I was ten years old.

11 Q. And, how long have you been speaking English?

12 A. Since I was ten years old.

13 Q. Where did you work before you came to work for the  
14 FBI?

15 A. I worked at Stafford County Public Schools.

16 Q. And then, what did you do for Stafford County  
17 Public Schools?

18 A. I was a substitute teacher and I was also a  
19 translator/interpreter.

20 Q. In that position, as a teacher and as a  
21 translator/interpreter, did you use your Spanish skills?

22 A. I did.

23 Q. Can you tell the jury a little bit about that?

24 A. I would -- I would translate for the  
25 administrators and the parents regarding any issues or

1 anything to do with a child's educational plans.

2 I would go to teacher/parent conferences.

3 Sometimes I would -- there would be student testing, so I  
4 would do that to assess what their language in English  
5 was, what their skill was, what the skill level was.

6 Q. What countries were the students and the parents  
7 whom you translated for originally from?

8 MR. CONTE: Objection, relevance.

9 THE COURT: Relevance?

10 MS. MARTINEZ: It establishes her knowledge  
11 of Spanish generally and also Spanish spoken by people  
12 from certain countries.

13 THE COURT: Objection is overruled.

14 BY MS. MARTINEZ:

15 Q. What countries were the students and parents whom  
16 you translated for originally from?

17 A. Guatemala and El Salvador.

18 Q. How long did you work in that role?

19 A. Three to four years.

20 Q. Did you have -- prior to -- or other than your  
21 role in the schools and your job currently with the FBI,  
22 have you had other employment where you had opportunity  
23 to use your Spanish skills?

24 A. I did. I did have other employment that I used  
25 Spanish with.

1 Q. What employment was that?

2 A. It was a trucking company. It was actually a  
3 company that did a -- they wrote a directory for trucking  
4 companies. And I would have to call Mexican trucking  
5 companies and get information, detailed information so  
6 that the company would put it in the directory.

7 Q. And, what country -- I'm sorry. Did you say what  
8 country you were translating for?

9 A. Mexico.

10 Q. So, other than the jobs that you've already  
11 listed, have you had any other jobs in your lifetime  
12 that required you to use your Spanish skills?

13 A. Yes, I did.

14 Q. What job is that?

15 A. There was another -- I used to work for the  
16 airlines, Pan American Airlines. I worked at the LA  
17 Airport and I used my Spanish skills there.

18 I also worked for Continental Airlines, at the  
19 international desk, and I used my Spanish skills there as  
20 well.

21 Q. Starting with Pan American, what did you do for  
22 Pan American Airlines?

23 A. I worked at the airport, at the terminal, and I  
24 would do anything from checking in luggage to going up to  
25 the gate and calling boarding gates; any -- any kind of

1 job at the airport.

2 Q. And why did that require you to use your Spanish  
3 skills?

4 A. Many of our flights -- well some of our flights,  
5 they were going to South America and Central America.  
6 They wanted the announcements to be made in Spanish to be  
7 able to help the customers.

8 Q. What countries, specifically?

9 A. Guatemala, El Salvador, Argentina, Peru.

10 Q. And in your experience working for Pan American  
11 Airlines and in talking to customers flying on Pan  
12 American Airlines, were there customers who were from  
13 those countries you just named?

14 A. Yes.

15 Q. Did you speak to them in Spanish?

16 A. I did.

17 Q. Were you able to effectively communicate?

18 A. I did.

19 Q. And understand them?

20 A. Yes.

21 Q. Okay. You also said you worked for Continental  
22 Airlines?

23 A. I did.

24 Q. What did you do for Continental Airlines?

25 A. International reservation desk agent. And Spanish



1 calls were rerouted as well -- even if they were not  
2 international -- to my desk because I spoke Spanish.

3 Q. What countries were the Spanish speakers you would  
4 speak to from?

5 A. Several countries: Mexico, Guatemala, El  
6 Salvador, Costa Rica, any of the areas that we served.

7 Q. Were you able to understand these speakers in  
8 Spanish regardless of which country they were from?

9 A. I was able to, yes.

10 Q. Able to effectively translate for them?

11 A. Yes, I was.

12 Q. How long did you work for Continental Airlines?

13 A. Two years.

14 Q. How long did you work for Pan American Airlines?

15 A. Three years.

16 Q. All right. Now, going back to your current  
17 position, you said that you're a contract language  
18 monitor?

19 A. Correct.

20 Q. Have you been in that position your entire time at  
21 the FBI?

22 A. Correct.

23 Q. Okay. When the FBI hired you as a contract  
24 language monitor, did you have to take any sort of  
25 qualification in order to become a contract language

1 monitor?

2 A. Yes. I had to have a test, written and verbal.

3 Q. And based on your written and verbal test, did you  
4 in fact qualify to be a contract language monitor for the  
5 FBI?

6 A. Yes, I did.

7 Q. And for what languages?

8 A. For Spanish.

9 Q. All right. So, what do you do at the FBI as a  
10 contract language monitor?

11 What are your duties?

12 A. I get recordings, and from those recordings I do  
13 translations. I get documents, and from those documents  
14 I translate the documents.

15 I also do -- go out with agents and do debriefs or  
16 interviews. Any type of communication between two  
17 parties, you know, Spanish, English, I am able to do  
18 that.

19 Q. Let's start with -- you said that you translate  
20 recordings; is that right?

21 A. That's correct.

22 Q. What kind of recordings?

23 A. Any kind of recordings, wire taps, body wires,  
24 any -- any -- any recording.

25 Q. When you say "wire tap," what do you mean?

1           A.   That's where we -- where we listen on the phone,  
2   listen to phone calls as they're coming in or after the  
3   fact.

4           Q.   When you work on a wire tap, what does that entail  
5   for you on a day-to-day basis?

6           A.   That means that I go there and I sit and I listen  
7   and as I listen, I translate.

8           Q.   And how many hours a day do you do that?

9           A.   Eight hours a day.

10          Q.   How many hours -- how many days a week?

11          A.   Five days a week.

12          Q.   How many wire taps have you worked on in your  
13   experience at the FBI where the primary language spoken  
14   on the wire was Spanish?

15          A.   Many. Over ten.

16          Q.   And, on a typical wire when you're assigned to a  
17   wire tap, how long do you typically work on that wire?

18          A.   The -- most wires last about three months.

19          Q.   And if you're working on a wire tap for three  
20   months, are you working 40 hours a week for three months?

21          A.   Yes, that's correct.

22          Q.   Listening to the Spanish language recordings the  
23   whole time?

24          A.   Correct.

25          Q.   During your time at the FBI and working on wire

1 taps and translating other recordings, what countries  
2 have these speakers been from that you're listening to  
3 and translating?

4 A. They have been from Mexico. They have been from  
5 El Salvador, Guatemala, Cuba, Peru.

6 Q. And, are you approved within the FBI as a contract  
7 language monitor to translate Spanish to English for all  
8 of those countries, for speakers from all of those  
9 countries?

10 A. I am, yes.

11 Q. You also said that you translate in person. Can  
12 you tell us a little bit more about that?

13 A. Yes. Agents will call my supervisor and my  
14 supervisor will send me out on assignments, and I will  
15 either translate with the witness, family members, any --  
16 anyone that needs the -- that needs me to translate.

17 Q. Do you translate spoken Spanish into spoken  
18 English?

19 A. Yes.

20 Q. Do you translate spoken English into spoken  
21 Spanish?

22 A. Yes.

23 Q. What experience, if any, do you have working on  
24 investigations that involve members or alleged members of  
25 the gang MS-13?

1 A. I have -- I have done a lot of work with MS-13.

2 Q. Remind me again, how long have you been with the  
3 FBI?

4 A. Six years.

5 Q. And how long have you been working on cases  
6 involving MS-13?

7 A. Six years.

8 Q. What was the -- how long did you -- when -- the  
9 first case you worked on that involved MS-13, what was  
10 your -- what were your responsibilities?

11 A. I was to sit and listen on a wire tap.

12 Q. How long did that wire tap go for?

13 A. Um, I believe three to four months.

14 Q. And just to be clear, that wire tap wasn't related  
15 to this current case, right?

16 A. It was not.

17 Q. And during those three to four months working on  
18 that wire type, how many hours a week were you working on  
19 it?

20 A. Forty hours a week.

21 Q. And what were you doing 40 hours a week?

22 A. I would sit and listen as the calls came in and I  
23 would translate.

24 Q. When you say "translate," what would you do?

25 A. I would write a summary of the conversation that

1 was spoken.

2 Q. What languages would you write your summary in?

3 A. In English.

4 Q. In your experience, when -- with translating  
5 Spanish, and Spanish from people from different  
6 countries, do Spanish speakers from different countries  
7 speak different dialects?

8 A. Yes, they do.

9 Q. Can you tell the jury just a little bit more about  
10 that?

11 A. So, people from different countries obviously have  
12 different ways of speaking. I would say one word in  
13 Mexico that might mean something different in Cuba or in  
14 Costa Rica or in Argentina. So, yeah, we all have a  
15 little bit of a different dialect.

16 Q. And in your experience at the FBI in particular,  
17 what percentage of the cases you've been assigned to have  
18 involved Spanish speakers from Central America?

19 A. About 80 percent.

20 Q. And, more specifically, what percentage involves  
21 Spanish speakers from El Salvador?

22 A. It's very high, also, maybe 80 percent as well.

23 Q. Now, you said that you have experience with  
24 MS-13 cases; is that right?

25 A. That's correct.

1 Q. In your experience, do members and associates of  
2 MS-13 speak in any particular kind of dialect?

3 A. Yes, they do.

4 Q. Could you tell the jury about that?

5 A. They have their own way of talking. Sometimes  
6 they transpose the letters so that it's not clearly  
7 understood. Sometimes they transpose the sentences.  
8 That would be an example of that.

9 Q. Over the six years that you've been working at the  
10 FBI, could you estimate how many hours you've spent  
11 listening to recordings of members and associates of  
12 MS-13 speaking in the dialect that you described?

13 A. Over 3,000 hours.

14 MS. MARTINEZ: Your Honor, at this time I  
15 move the Court to recognize Ms. Portwine as an expert  
16 Spanish language linguist, with expertise particularly in  
17 El Salvadoran and MS-13 dialects of Spanish.

18 MR. LEIVA: Subject to cross-examination.

19 THE COURT: Subject to cross-examination.

20 Go ahead.

21 BY MS. MARTINEZ:

22 Q. Ms. Portwine, as part of this case, were you asked  
23 to translate some Spanish language recordings and prepare  
24 verbatim English translations of those recordings?

25 A. Yes, I was.

1 Q. What process do you use when you are listening to  
2 a Spanish language recording and preparing a verbatim  
3 English transcript?

4 A. There are several steps, but my -- the way I do  
5 things is, the very first thing that I do is to listen to  
6 the whole recording. And as I'm listening, I'm taking a  
7 few notes in my head.

8 Then after that, then I go ahead and I begin  
9 listening for a couple of minutes and then I start  
10 typing. So, then, that's the second step.

11 And then after I finish typing the whole thing,  
12 going back and forth until I understand everything that  
13 was said.

14 Then after that, then I just read it without any  
15 audio.

16 And then after that, then I listen and read at the  
17 same time.

18 And after I listen and read, then I wait a -- a  
19 day or two, and then I listen and read again, and then I  
20 turn it in to my supervisor.

21 Q. Let's go through that just a little bit more.

22 A. Okay.

23 Q. When you're going through that process, where are  
24 you?

25 A. I am at my office, at my desk.



1 Q. And what equipment do you use to listen to the  
2 recordings while you're preparing the translation?

3 A. Well, we have a computer software called Universal  
4 Start-Stop.

5 Q. What is Universal Start-Stop?

6 A. That is just a software program that allows me to  
7 bring the recordings, and I'm able to use a foot pedal so  
8 that I can listen and type without having to stop and use  
9 my hand to use the clicker and stuff. So I'm using a  
10 foot pedal.

11 Q. What does the foot pedal do? Or what can you do  
12 with the foot pedal?

13 A. The foot pedal only allows me to go forward,  
14 backward, slow it down, start-up, and -- yeah. Forward  
15 and backwards, and it allows me to slow it down, too, to  
16 slow or fast, whichever way.

17 Q. Does the software make any changes to the  
18 recordings?

19 A. Not at all.

20 Q. Does it alter the data on the recording?

21 A. Not at all.

22 Q. Other than Start-Stop, is there any other  
23 equipment that you use listening to the recordings?

24 A. I use headphones.

25 Q. What kind of headphones?

1       A.    Bose.

2       Q.    Are they noise cancelling headphones?

3       A.    Yes.

4       Q.    Why do you use those?

5       A.    I like to make sure that I am focusing on the  
6 recording and not anything else.

7       Q.    Perhaps an obvious question, but do your  
8 headphones make any alteration to the recordings in any  
9 way?

10      A.    No, not at all.

11      Q.    All right. Now, you said that you use Start-Stop  
12 so that your hands are free; is that right?

13      A.    That's correct.

14      Q.    What are you doing with your hands while listening  
15 to the recording?

16      A.    I'm usually type.

17      Q.    And what are you typing?

18      A.    On the translation. Yeah, I'm translating  
19 whatever I'm listening, too.

20      Q.    Skipping ahead a little bit in the process that  
21 you already described, you said that once you've prepared  
22 the full translation, you turn it in.

23      A.    That's correct.

24      Q.    What is the purpose of turning it in?

25      A.    That would be so that my supervisor will send it

1 out to have it reviewed, to -- to have what I have  
2 written, to have everything reviewed by somebody else.

3 Q. And, do you ever have occasion to be the person  
4 who is reviewing a translation prepared by another  
5 linguist?

6 A. Yes.

7 Q. So let's talk about the review process from your  
8 perspective when you're the reviewer. If you obtained a  
9 translation from another linguist, what process do you  
10 undergo to review it?

11 A. Um, again, I start with, I listen to the whole  
12 tape and make a few notes here and there. And in the  
13 case of a review, I also go ahead and read it without the  
14 audio, because I got to check for grammar and things like  
15 that as well. So that's why I like to read it.

16 And then I listen and read. And as I'm listening,  
17 if I need -- if I suggest any changes, then I use -- I  
18 track the changes.

19 Q. What kind of changes might you suggest?

20 A. Again, grammar would be a -- or maybe a  
21 mistranslation, maybe a word, use a different word, maybe  
22 there's a better meaning or anything -- anything that  
23 will improve the translation.

24 Q. Once you're done with your review, what do you do  
25 with that transcript that you've reviewed?

1           A.    Then I send it back to my supervisor so they can  
2   send it to the original linguist.

3           Q.    Okay.  So, let's go back to the times when you're  
4   the original linguist.

5           A.    Okay.

6           Q.    After you've submitted it to your supervisor for  
7   review --

8           A.    Uh-huh.

9           Q.    -- at some point do you get the transcript back?

10          A.    That's correct.

11          Q.    And what do you do then?

12          A.    Okay.  So as soon as I get my transcript, my  
13   translation, I read it and I read all the changes.  I  
14   want to make -- I want to check for grammar, if there was  
15   any suggestion on that.  I want to change -- I want to  
16   see what was -- what was suggested.

17               And then, and then after that, then I listen to it  
18   and make the appropriate changes, if I agree with them.

19          Q.    Are you the final decider, when you're the  
20   linguist, about what the translation says?

21          A.    Yes, I am.

22          Q.    Now, you described this long process that you take  
23   to translate a recording, and you've described a lot of  
24   steps.  But from beginning to end, how many times, on  
25   average, do you listen to a Spanish language recording

1 before your English translation is finalized?

2 A. About eight or nine.

3 Q. And, so just to give the jury a sense of time that  
4 it takes you to do this, if we were talking about, let's  
5 say, a 20-minute recording in Spanish, how many minutes  
6 or hours would it take you from the beginning of your  
7 product to the very end, to prepare that final English  
8 translation?

9 A. It would take a long time. It's about a minute  
10 and -- an hour per minute with the whole process and  
11 everything, so...

12 Q. So, in other words, an hour of your time for a  
13 minute of recording?

14 A. Correct.

15 Q. And, how many recordings did you listen to,  
16 approximately, in this case?

17 A. Um, approximately 42 for this case.

18 Q. For the verbatim, right?

19 A. For the verbatim, correct.

20 Q. Did you also listen to recordings where you  
21 performed other work other than preparing verbatim  
22 translations?

23 A. Yes.

24 Q. What else did you do in this case?

25 A. Well, I was doing the summaries, listening to the

1 wire tap and -- for those summaries.

2 Q. So overall, for the whole course of the  
3 investigation, about how many recordings did you listen  
4 to?

5 A. Over 10,000.

6 MS. MARTINEZ: With the help of the court  
7 security officer, Your Honor, I would like to show this  
8 witness what have been marked for identification purposes  
9 as Exhibits 2-A and 2-A-1.

10 Big binder. Sorry about that. Feel free to  
11 take them out of the binder, out of the sleeves, if you  
12 need to. Okay?

13 THE WITNESS: Okay.

14 BY MS. MARTINEZ:

15 Q. Let's start with 2-A.

16 A. 2-A, yes.

17 Q. It should be a disk?

18 A. It is a disk.

19 Q. Do you recognize that disk?

20 A. I do.

21 Q. You do. How do you recognize that disk?

22 A. It has my signature on it.

23 Q. And when did you put your signature on it?

24 A. Um, right before I --

25 Q. Let me ask it this way: As part of your trial

1 preparation, were you asked to come and listen to some  
2 disks and compare them to some translations?

3 A. Yes.

4 Q. And those translations, who prepared the  
5 translations that you reviewed while you reviewed the  
6 disks?

7 A. I did.

8 Q. So, if you could go back and look at 2-A, is 2-A  
9 one of the disks that you listened to in preparation for  
10 your trial testimony?

11 A. Yes, it is.

12 Q. And, how do you know that that particular disk is  
13 one of the ones that you listened to?

14 A. It has my signature on it.

15 Q. Now, if you could look at Exhibit 2-A-1.

16 A. Uh-huh.

17 Q. What is 2-A-1?

18 A. 2-A-1 is the translation of the recording.

19 Q. Which recording?

20 A. 2-A.

21 Q. And is that a translation that you prepared?

22 A. Yes, it is.

23 Q. Using the process that you already described here?

24 A. Correct.

25 Q. All right. Now, within 2-A-1, there are some --

1 within the transcript there are people identified. The  
2 speakers of the -- the people are identified; is that  
3 right?

4 A. Correct.

5 Q. All right.

6 A. Yes.

7 Q. Is it your responsibility, as the linguist, to  
8 identify the names of the people who are speaking in the  
9 translation?

10 A. No, it's not.

11 Q. When you prepare your translation, if you don't  
12 know who's speaking, how do you indicate that?

13 A. I put "unknown male," "UM."

14 Q. And did you do that in this case?

15 A. Sometimes I did, yes.

16 Q. And, in these final versions of the translations  
17 that you reviewed in your trial preparation, are many of  
18 the names identified?

19 A. Um --

20 Q. Many of the speakers?

21 A. Many of the speakers are identified.

22 Q. And just to be clear, those identifications don't  
23 come from you; is that right?

24 A. Correct.

25 Q. With the exception of the identities of the



1 speakers, are the trans- -- is the translation in 2-A-1  
2 entirely your work product?

3 A. Yes, it is.

4 Q. And based on your experience and your knowledge as  
5 a Spanish language linguist, is the translation in  
6 Exhibit 2-A-1 a true and accurate English translation of  
7 the Spanish language recording in 2-A, to the best of  
8 your abilities as a Spanish language linguist?

9 A. Yes, it is.

10 MS. MARTINEZ: Your Honor, at this time we  
11 would move -- conditionally move 2-A and 2-A-1 into  
12 evidence, conditional on establishing the relevance, of  
13 course, of the recording and the translation.

14 THE COURT: All right. And subject to  
15 cross-examination on her expertise. All right, 2-A and  
16 2-A-1 will be received conditionally.

17 BY MS. MARTINEZ:

18 Q. Now I would like you to look -- it should be in  
19 that same binder there -- at Exhibit 2-B and 2-B-1.

20 A. I see it.

21 Q. Do you see 2-B and 2-B-1?

22 A. Yes.

23 Q. All right. Starting with 2-B, what is 2-B?

24 A. 2-B is a recording of a translation --

25 Q. And -- I didn't mean to interrupt. Go ahead.

1 A. 2-B is a part of a recording of a translation.

2 Q. What you do mean by, it's part of a recording?

3 A. It's only part of it. It's not the whole  
4 recording.

5 Q. Which one is the whole recording?

6 A. 2-A.

7 Q. So, 2-B is a clip of 2-A?

8 A. Correct.

9 Q. All right. And that disk there that you're  
10 looking at, have you reviewed that particular disk?

11 A. I did review it.

12 Q. And how do you know -- how do you know that you  
13 reviewed it?

14 A. Because it has my signature.

15 Q. How about 2-B-1; what is Government's  
16 Exhibit 2-B-1?

17 A. 2-B-1 would be the translation of the clip of the  
18 recording.

19 Q. So, it's the translation of the smaller portion;  
20 is that right?

21 A. That's correct.

22 Q. Did you review that translation or that portion of  
23 the translation while you were also reviewed the clip in  
24 2-B?

25 A. I did.

1 Q. And does the translation match the clip, the  
2 Spanish language clip?

3 A. It does.

4 Q. And is that a portion of a transcript that you  
5 actually prepared?

6 A. Correct.

7 Q. And is 2-B-1 a true and accurate translation of  
8 2-B, to the best of your abilities as a Spanish language  
9 linguist?

10 A. Correct.

11 MS. MARTINEZ: Your Honor, we would  
12 conditionally move to admit 2-B and 2-B-1, subject to  
13 relevance.

14 THE COURT: And cross-examination.

15 MS. MARTINEZ: And cross-examination.

16 THE COURT: 2-B and 2-B-1 will be received.

17 BY MS. MARTINEZ:

18 Q. Let's look now, if you will, at Government's  
19 Exhibits 3-A and 3-A-1. Do you see that?

20 A. I see it.

21 Q. All right. Start with 3-A.

22 A. Uh-huh.

23 Q. What is 3-A?

24 A. 3-A is a recording that I reviewed.

25 Q. Is --

1       A.   It's a -- it's a recording in Spanish that I  
2 reviewed already.

3       Q.   Did you review it as part of your trial  
4 preparation?

5       A.   Yes, I did.

6       Q.   Had you also reviewed it earlier as part of your  
7 duties in this case?

8       A.   Yes.

9       Q.   What is 3-A-1?

10      A.   3-A-1 is the translation of the recording, 3-A.

11      Q.   All right. And just in case I didn't ask you, how  
12 do you know that Government's Exhibit 3-A is the same  
13 recording that you previously reviewed?

14      A.   Um, because it has my signature.

15      Q.   Who prepared the translation in 3-A-1?

16      A.   I did.

17      Q.   And, did you review the translation while  
18 listening to the recording in 3-A?

19      A.   I did.

20      Q.   And, once again, are -- are there names identified  
21 in the translation?

22      A.   Yes, there are.

23      Q.   Were you responsible for identifying those names?

24      A.   No, I was not.

25      Q.   With the exception of the names, the identities of

1 the speakers, is all of the translation in 3-A-1 your  
2 work product?

3 A. Yes, it is.

4 Q. And, is Government's Exhibit 3-A-1, the English  
5 translation, a true and accurate English translation of  
6 the Spanish language recording in Government's  
7 Exhibit 3-A, to the best of your abilities as a Spanish  
8 language linguist?

9 A. Yes, it is.

10 MS. MARTINEZ: Your Honor, again subject to  
11 relevance and cross-examination, we conditionally move to  
12 admit Government's Exhibit 3-A and 3-A-1.

13 THE COURT: Admitted conditionally, subject  
14 to cross-examination and qualification.

15 MS. MARTINEZ: And, Your Honor, just for the  
16 record, Government's Exhibit 3-A, the recording, has  
17 already been admitted into evidence through a previous  
18 witness.

19 THE COURT: Okay.

20 BY MS. MARTINEZ:

21 Q. Could you look now at Government's Exhibits 3-B --

22 A. I see it.

23 Q. -- and 3-B-1?

24 A. I see it as well.

25 Q. What is Government's Exhibit 3-B?

1       A.    3-B is a clip, a portion of a -- of a --  
2   previously -- of a previous translation -- of a previous  
3   recording.

4       Q.    Can you identify which recording it is a clip of?

5       A.    Yes.   3-A.

6       Q.    How do you know that 3-B is a clip of 3-A?

7       A.    That is because I reviewed it. I reviewed it  
8   along with 3-B-1, and it has my signature.

9       Q.    And what is 3-B-1?

10      A.    3-B-1 is a clip or a part, a portion of a  
11   translation.

12      Q.    And, does the portion of the translation in 3-B-1  
13   match the audio recording in 3-B?

14      A.    Yes, it does.

15      Q.    How do you know that?

16      A.    It has my signature.

17      Q.    And is 3-B-1 a portion of 3-A-1?

18      A.    Yes, it is.

19      Q.    And who prepared that translation?

20      A.    I did.

21      Q.    So, is 3-B-1 a true and accurate English  
22   translation of the Spanish language recording clip in  
23   3-B, to the best of your abilities as a Spanish language  
24   monitor?

25      A.    Yes, it is.

1 Q. Let's look at 3-C and 3-C-1.

2 What is 3-C?

3 A. 3-C is also a portion of a translation for 3-A.  
4 This is the recording, the CD, with my signature on it.  
5 And 3-C-1 is the translation.

6 Q. And is 3-C-1 a portion of a translation?

7 A. Yes, it is.

8 Q. What is it a portion of?

9 A. Of the translation for 3-A-1.

10 Q. Thank you.

11 And, did you review Government's Exhibit 3-C?

12 A. Yes, I did.

13 Q. How do you know?

14 A. It has my signature on it.

15 Q. Is Government's Exhibit 3-C-1, the English  
16 language translation, a true and accurate English  
17 translation of Government's Exhibit 3-C, to the best of  
18 your abilities as a Spanish language linguist?

19 A. Yes, it is.

20 MS. MARTINEZ: Your Honor, again subject to  
21 relevance and cross-examination, we conditionally move to  
22 admit Government's Exhibits 3-C and 3-C-1.

23 THE COURT: 3-C, 3-C-1 conditionally  
24 admitted.

25 BY MS. MARTINEZ:

1 Q. Ms. Portwine, we have a few more to go through and  
2 in an attempt to go a little bit faster, I'm going to try  
3 to do several at once.

4 A. Okay.

5 Q. You just let me know if it gets too confusing and  
6 we will stop and go one by one.

7 A. Okay.

8 Q. Okay?

9 Can you go ahead and look at Government's  
10 Exhibits 7-A and 7-A-1, 10-A and 10-A-1, 11-A, 11-A-1,  
11 14-A, 14-A-1, 15-A, 15-A-1, 16-A, 16-A-1, 17-A, 17-A-1,  
12 and 20-A and 20-A-1.

13 Let's start with all of those A's. Do you  
14 recognize those exhibits?

15 A. I do.

16 Q. What are they?

17 A. The recordings.

18 Q. Are they recordings that you've reviewed?

19 A. They are recordings I have reviewed, yes.

20 Q. How do you know that those disks are recordings  
21 that you reviewed?

22 A. All of them have my signature.

23 Q. And let's go through the A-1s. All of those A-1s  
24 that you just looked at, what are they?

25 A. They are translations of the recordings.



1 Q. Who prepared those translations?

2 A. I did.

3 Q. And, did you also review the disks, the A's, and  
4 compare them to the translations, the A-1s?

5 A. I did.

6 Q. And which translation goes with which disk?

7 A. Um, so, translations for recording 4-A goes with  
8 4-A-1.

9 Q. Okay. So if we were to go to -- I think we  
10 started with 7-A and 7-A-1.

11 A. Correct.

12 Q. Do those two match?

13 A. Yes.

14 Q. And, do you know because you reviewed them?

15 A. Correct.

16 Q. All right. Moving on to 10-A and 10-A-1, what's  
17 the relationship between those exhibits?

18 A. 10-A is the recording, the CD, the recording, and  
19 10-A-1 is the translation.

20 Q. 11-A, 11-A-1?

21 A. 11-A is the recording. 11-A-1 is the translation.

22 Q. 14-A, 14-A-1?

23 A. 14-A is the recording. 14-A-1 is the translation.

24 Q. And just to be clear for the record, when you're  
25 saying "the translation," do you mean the translation of

1 that disk?

2 A. Correct.

3 Q. 15-A, 15-A-1?

4 A. 15-A is the recording and 15-A-1 is the  
5 translation of the recording.

6 Q. 16-A, 16-A-1?

7 A. 16-A is the recording. 16-A-1 is the translation  
8 of the recording.

9 Q. 17-A, 17-A-1?

10 A. 17-A is the recording. 17-A-1 is the translation  
11 of the recording.

12 Q. And 20-A and 20-A-1?

13 A. 20-A is the recording. 20-A-1 is the translation  
14 of the recording.

15 Q. And for all of these recordings and translations  
16 that you prepared, are the translations true and accurate  
17 English translations of the Spanish language recordings  
18 to the best of your ability as a Spanish language  
19 linguist?

20 A. Yes, they are.

21 MS. MARTINEZ: Your Honor, subject to  
22 relevance and cross-examination, the government moves to  
23 admit Government's Exhibits 7-A, 7-A-1, 10-A, 10-A-1,  
24 11-A --

25 THE COURT: Ms. --

1 MS. MARTINEZ: -- 11-A-1 --

2 THE COURT: -- Martinez, Ms. Martinez.

3 MS. MARTINEZ: I'm so sorry, Your Honor.

4 THE COURT: No, it's just that I can't write  
5 as fast as you can speak, and I want to make sure I get  
6 it right. Okay. Start over.

7 MS. MARTINEZ: Absolutely, Your Honor.

8 THE COURT: Take your time. Hold on.

9 MS. MARTINEZ: I'll begin with 7-A, 7-A-1.

10 THE COURT: Okay.

11 MS. MARTINEZ: 10-A, 10-A-1, 11-A, 11-A-1,  
12 14-A, 14-A-1, 15-A, 15-A 1, 16-A, 16-A 1, 17-A, 17-A 1,  
13 20-A, and 20-A-1.

14 THE COURT: Received.

15 MS. MARTINEZ: Thank you, Your Honor.

16

17 BY MS. MARTINEZ:

18 Q. And Ms. Portwine, if you could indulge me, because  
19 we went through a lot of numbers and a lot of exhibits  
20 and I just want to make sure we got them all. Could you  
21 flip back to Government's Exhibits 3-B and 3-B-1.

22 MS. MARTINEZ: Court's indulgence for just a  
23 moment, Your Honor.

24 THE COURT: Sure. All right.

25 (Pause.)

1 BY MS. MARTINEZ:

2 Q. All right. And so, Government's Exhibit 3-B, what  
3 is that?

4 A. That is a part of a recording -- it's a recording,  
5 but it's only a clip. It's only a part of another  
6 recording.

7 Q. Okay. And, is -- what recording is it a part of?

8 A. It would be 3-A.

9 Q. So, another clip like we've talked about before?

10 A. Yes, correct.

11 Q. How about 3-B-1?

12 A. 3-B-1 is again, a part, a portion of translation.  
13 The translation would be 3 -- 3-1 -- 3-A-1.

14 Q. And is 3-B-1 a true and accurate English  
15 translation of Government's Exhibit 3-B, to the best of  
16 your abilities as a Spanish language linguist?

17 A. Yes, it is.

18 Q. All right. And indulge me, just in case I skipped  
19 this one, can you look at Government's Exhibits 5-A and  
20 5-A-1.

21 Government's Exhibit 5-A, is that a disk that  
22 you've reviewed before?

23 A. Um, can I take it out?

24 Q. Of course.

25 A. Yes, it is.

1 Q. How do you know?

2 A. It has my signature on it.

3 Q. You couldn't see it until you took it out?

4 A. I couldn't see it until I take it out.

5 Q. How about 5-A -- excuse me -- 5-A-1; what is  
6 5-A-1?

7 A. 5-A-1 is the translation of the recording, 5-A.

8 Q. Is that -- who prepared that translation?

9 A. I did.

10 Q. And, once again, just for the record, in all of  
11 these translations, were you responsible for identifying  
12 the names of the speakers?

13 A. No, I wasn't.

14 Q. And do all of these translations have  
15 identities -- have names of speakers in the translations?

16 A. Yes, they do.

17 Q. With the exceptions of the identities of the  
18 speakers, are they all your work product?

19 A. Yes, they are.

20 Q. And is Government's Exhibit 5-A-1 a true and  
21 accurate English translation of Government's Exhibit 5-A,  
22 to the best of your abilities as a Spanish language  
23 linguist?

24 A. Yes, it is.

25 MS. MARTINEZ: Your Honor, again

1 conditionally, the government would also move to admit  
2 Government's Exhibits 3-B and 3-B-1 and 5-A and 5-A-1.

3 THE COURT: Received.

4 MS. MARTINEZ: No further questions, Your  
5 Honor.

6 MR. JENKINS: Your Honor, would now be an  
7 appropriate time to stop for the day?

8 THE COURT: Mr. Jenkins, I think it would be  
9 an appropriate time to stop, because we don't have a  
10 short witness. And I don't mean short in stature.

11 (Laughter.)

12 MR. JENKINS: Thank you, your Honor. I  
13 appreciate that.

14 THE COURT: Ladies and gentlemen, again, we  
15 appreciate your attention as responsibility as jurors.

16 I want to remind you of the instruction I  
17 give every day, and that is not to discuss the case, not  
18 to permit the case to be discussed in your presence.  
19 Don't do any research on the case.

20 Leave your notes in the jury deliberation  
21 room.

22 Don't visit any places that you've heard  
23 discussed in trial.

24 We will resume on Monday, 10:00 a.m. You're  
25 free to leave now. Thank you very much. You can go.

1 And leave your notes in the jury deliberation room.

2 Thank you.

3 (Jury not present.)

4 THE COURT: Anything else I need to take up  
5 before we leave for the day?

6 (No response.)

7 THE COURT: Okay. Good. We're in recess.

8 Thank you.

9 (Court recessed at 4:58 p.m.)

10 ---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 1 CERTIFICATE OF REPORTER

2  
3 I, Renecia Wilson, an official court  
4 reporter for the United State District Court of Virginia,  
5 Alexandria Division, do hereby certify that I reported by  
6 machine shorthand, in my official capacity, the  
7 proceedings had upon the testimony in the case of United  
8 States of America vs. Jose Lopez Torres, et al.

9 I further certify that I was authorized and  
10 did report by stenotype the proceedings and evidence in  
11 said testimony, and that the foregoing pages, numbered 1  
12 to 39, inclusive, constitute the official transcript of  
13 said proceedings of Excerpt Testimony as taken from my  
14 shorthand notes.

15 IN WITNESS WHEREOF, I have hereto subscribed  
16 my name this 22nd day of April, 2016

17  
18 /s/

19 Renecia Wilson, RMR, CRR  
20 Official Court Reporter  
21  
22  
23  
24  
25